



# Michigan Department of Agriculture

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## Food & Dairy Annual Report 2001

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# FOOD & DAIRY DIVISION

## 2001 Annual Report

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### *Educate*

1. To impart knowledge and skill to: coach, discipline, instruct, school, teach, train, tutor
2. To impart information to: acquaint, advise, apprise, enlighten, inform, notify, tell.

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# Food & Dairy Division

## Introduction

The year 2001 proved a busy one for the Food & Dairy Division with new laws, new challenges and new technology.

The top priority of the Food & Dairy Division is food safety and security. The Division protects public health by ensuring a safe and wholesome food supply through enforcing and regulating, solving problems, and providing leadership and food safety expertise. The division also helps to maintain a viable food and dairy industry as well as serving as an information resource for consumers and stakeholders.

## SECTION 1

### Adopting New, Comprehensive Michigan Food and Dairy Laws

The Food & Dairy Division, working with other government agencies, stakeholders, and consumers, has completely overhauled all of its food safety regulations covering food and dairy products within the past two years. More than 25 laws and regulations have been updated and consolidated into three major laws. The major focus is preventing foodborne illness.



### *Collaborate*

To work together toward a common end: cooperate.

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### Implementing the New Michigan Food Law

The new Food Law went through its first full year of implementation in 2001 with surprisingly few problems. The enforcement policy was completed and is in use. The Food & Dairy staff provided over 120 formal presentations on the Michigan Food Law and Food Code. Staff targeted specific audiences—the grocery associations, restaurant association, corporate stores, wholesalers and processors groups, fairs and festivals associations, school food and business managers, dieticians and health groups, county health associations and others.

Perhaps the biggest effort to educate food establishment operators about the new requirements came from the Food & Dairy field staff. During scheduled routine inspections, inspectors made one-on-one visits with store managers to discuss and share training material and answer questions about the new law. The extra time and efforts by field staff have resulted in greater compliance.

The passage of the Food Law of 2000 also created additional enforcement actions, as well as a violation category of "critical." This new violation category is defined as those violations that are determined to be more likely than other violations to contribute to food contamination, illness to humans, or environmental health hazard. Such violations must be corrected in 10 days or less.

The additional enforcement actions in the Food Law of 2000 include administrative fines, manager training, license limitation, cease food operation order, and felony prosecution. These actions complete the progressive enforcement protocol in place within the division.

In many instances, the 10-day limit

on correction of critical violations provides the necessary impetus for compliance. Most situations beyond that are still effectively handled with the low-end enforcement actions, including administrative fines and warning letters. Additional enforcement tools such as seizure notices and insanitary condition/violation of law notices are also effective in the low-end range. Seizures are placed on product that is suspect for adulteration or is otherwise unfit for human consumption. A seizure removes food from market until it can be deemed safe or it is destroyed. Notices of insanitary conditions/violation of law are used when conditions prohibit safe food production. They require immediate correction, or the establishment faces further enforcement action. Mid-range enforcement actions include compliance review meetings and prosecution for misdemeanor. High-end enforcement encompasses license suspension/revocation procedures, cease food operation order, and prosecution for felonies. Tallies of enforcement actions demonstrate more occurrences in the low- and mid-range, with only the most severe conditions requiring high-end actions.

Changes in the Food Law required that the field staff also put forth an extraordinary effort during fair season of 2001. Food Law 2000 requires separate licensing and inspection of each fair concession at every fair it operates. Preliminary meetings between field staff and fair boards helped inform concessionaires and readied them to meet the new requirements.



## Two New Dairy Laws

The Food and Dairy Division worked collaboratively since 1999 with a diverse group of stakeholders to substantially update Michigan's dairy laws. This effort built upon the successful adoption of the Food Code of 2000 by making food safety the focal point and by consolidating a number of old laws into a more comprehensive act with a uniform set of definitions and standards. The work group consisted of dairy farmers, milk haulers and processors, Michigan State University staff, industry organizations, and MDA staff. The work group combined 21 laws and regulations into two updated acts: The Manufacturing Milk Law and the Grade A Milk Law. One of the major goals of this project was to adopt the 2001 revision of the federal Pasteurized Milk Ordinance which is the milk safety standard for all fifty states. The legislation was unanimously supported in the legislature and signed into law on January 9, 2002.

## *Enforce*

To compel observance of: carry out, effect, execute, implement, invoke.  
Idioms: put in force, put into action.

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## SECTION 2

### Ensuring a Seamless, Streamlined Food Safety System

Michigan's food safety program is unique and comprehensive in that all its programs covering farm to table food regulation (animal health, feed, pesticides, food processing, dairy, meat, eggs and retail food and food service) are housed with the Michigan Department of Agriculture. Only one other state—Pennsylvania—has consolidated its programs in a similar way. Several of those Food & Dairy responsibilities are outlined here.

### Assuring the Safety and Quality of Milk

The Food & Dairy Division inspected 3,500 Michigan farms biannually to ensure the safety and quality of milk. The division also examined and regulated dairy-processing plants and bulk-milk haulers.

The Food and Drug Administration (FDA) is required by the National Conference on Interstate Milk Shipments (NCIMS) to evaluate Grade A dairy programs in each state on a periodic basis. In 2001 FDA completed an evaluation of the dairy program administered by the Food and Dairy Division. It was FDA's opinion that the Michigan Department of Agriculture is conducting its Grade A Milk program in substantial compliance with national guidelines. FDA recommended that consideration be given to those areas where minor deviations were found.

### Regulating Food Establishments

The Food & Dairy Division inspected more than 17,500 licensed food establishments in 2001. These establishments ranged from supermarkets and convenience stores to major food-processing operations. Inspections addressed sanitary conditions, infrastructure safety, cleanliness, freshness and wholesomeness of food, and truth in labeling.

### Monitoring Food Service

The division administered the food service sanitation program for 47,000 establishments throughout Michigan, including restaurants, cafeterias, commissaries and temporary food vendors in 2001. In partnership with 45 local health departments, the Food & Dairy Division provided training, coordination, direction and inspection guidelines, while local sanitarians conducted the actual inspections.

### Detecting and Tracing Foodborne Illness/F.I.R.S.T.

The regulating of food establishments, assuring the safety and quality of milk and monitoring of food service all contributed to the Division's top priority: food safety. The terrorist events of 2001 further underscored the importance of improving the capacity of state agencies and local health departments to detect and investigate unusual patterns of illness. Epidemiologists with the Food & Dairy Division worked with their counterparts at the Michigan Department of Community Health and several local health departments to develop a new training program to enhance disease investigation capacities. The Foodborne Illness Response Strategy for Michigan (F.I.R.S.T) will help ensure greater consistency in disease surveillance and investigation throughout Michigan.

### Responding to Michigan's TB Challenge

Michigan was declared free of bovine tuberculosis in 1979. However, the recent bovine TB infection in the free ranging white-tailed deer population and in livestock had resulted in the lowering of Michigan's bovine TB status effective in July 2000. Because of this change in status, the 1999 Grade A Pasteurized Milk Ordinance (PMO) required that all dairy herds in Michigan receive an annual whole-herd TB test. This was completed, and the FDA and the USDA eliminated the annual whole-herd testing requirement for Michigan dairy herds outside of the high risk area of Alcona, Alpena, Presque Isle and Montmorency.

### *Investigate*

1. To study closely or systematically: analyze, examine, inspect.
2. To go into or through for the purpose of making discoveries or acquiring information: delve, dig, explore, inquire, look into, probe, reconnoiter, scout.

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## Preventing and Combating Foodborne Disease

The Food & Dairy Division staff closely monitored reported incidents of foodborne disease to determine trends, identified the factors causing outbreaks, and recommended ways of preventing further outbreaks in 2001.

The year 2001 brought 1334 reported incidents resulting in 3502 illnesses. The three most frequently cited underlying causes of suspected or confirmed foodborne illness were: bare hand contact by handler/ worker/ preparer; handling by an infected person or carrier of pathogen; and cross-contamination with a raw ingredient of animal origin. These included:

- Alerts: 761 incidents of alleged foodborne illness involving one individual, resulting in 761 ill.
- Family associated illness: 340 incidents involving two or more related persons, resulting in 878 ill with symptoms compatible with foodborne illness etiology.
- Isolated consumer complaints: 31 incidents of alleged adulteration of food, or complaint of inadequate food quality, resulting in 12 ill.
- Foodborne illness outbreak: 202 incidents involving two or more unrelated cases having similar features, or involving the same pathogen, resulting in 1851 ill.

When reports identified Norwalk Virus as the leading cause of outbreaks in Michigan in 2000, the Division summarized for food regulators statewide how the requirements of Michigan's new food law could best be applied to protect food from becoming contaminated with the virus.

The foods that Michigan consumers enjoy come from across the nation and around the world. To protect our increasingly complex food supply, Food and Dairy Division epidemiologists coordinate their investigations of suspected incidents of foodborne illness or food contamination with their counterparts from local, state, and federal agencies. Such collaboration often pays large dividends. For example, an initial investigation of a cluster of E. coli 0157:H7 cases in southeastern Michigan in April/May 2001 quickly expanded to an investigation of illnesses in 3 states. The source of the illnesses was identified and resulted in the recall of over 700,000 pounds of ground meat.

## ***Protect***

To keep safe from danger, attack, or harm: defend, guard, preserve, safeguard, secure, shield, ward.

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# SECTION 3

## Moving Into the 21st Century

During 2001 the Food & Dairy Division not only enforced and regulated and investigated but kept up with evolving trends and issues in Michigan, the country and the world concerning food safety.

**In Michigan...** a study was conducted beginning in May of 2001 involving soft serve ice cream. A survey was designed to assess the Food Code interventions on the microbiological quality of retail soft serve. 230 microbiological samples were obtained from retail machines across the state and establishment surveys were conducted at each site. No pathogens were detected in the samples. Coliform and plate counts will be compared to each of the survey elements to see if interventions can be identified that result in safer foods.

**In other states...** in recent years numerous outbreaks linked to contaminated water at fairs have highlighted the potential vulnerability of fair water supplies. The Food and Dairy Division staff spearheaded a voluntary pilot project that began in May 2001 designed to proactively assist Michigan fair managers to reduce potential water safety risks. Managers at six county fairs volunteered to participate in a process of repeated on-site assessments. Volunteers were assisted by multidisciplinary teams including staff from the Michigan Department of Agriculture's Food & Dairy, Fairs, Exhibitions and Racing, and Environmental Stewardship divisions; local health departments; and the Michigan Department of Environmental Quality. The lessons learned from the pilot project are being shared with the fair industry to assist them in their prevention efforts.

**Around the world...** The Food & Dairy Division along with all of the Michigan Department of Agriculture is working to enhance its food safety and security efforts, especially in light of potential agri-terrorism threats after the attacks of September 11. Recent federal allocations will help the Department increase its sampling and testing of raw and processed fruits and vegetables for both pesticide residues and foodborne pathogens like E. coli and salmonella. MDA is increasing its abilities to trace food products to their origin and prevent future pesticide or pathogen contamination.

The Food & Dairy Division helped to organize and co-sponsored an international conference on pre-harvest food safety held at Michigan State University, May 8-10, 2001. To maximize involvement by Michigan stakeholders, the Division made available grant money to reduce conference costs for Michigan Food Safety Alliance members.



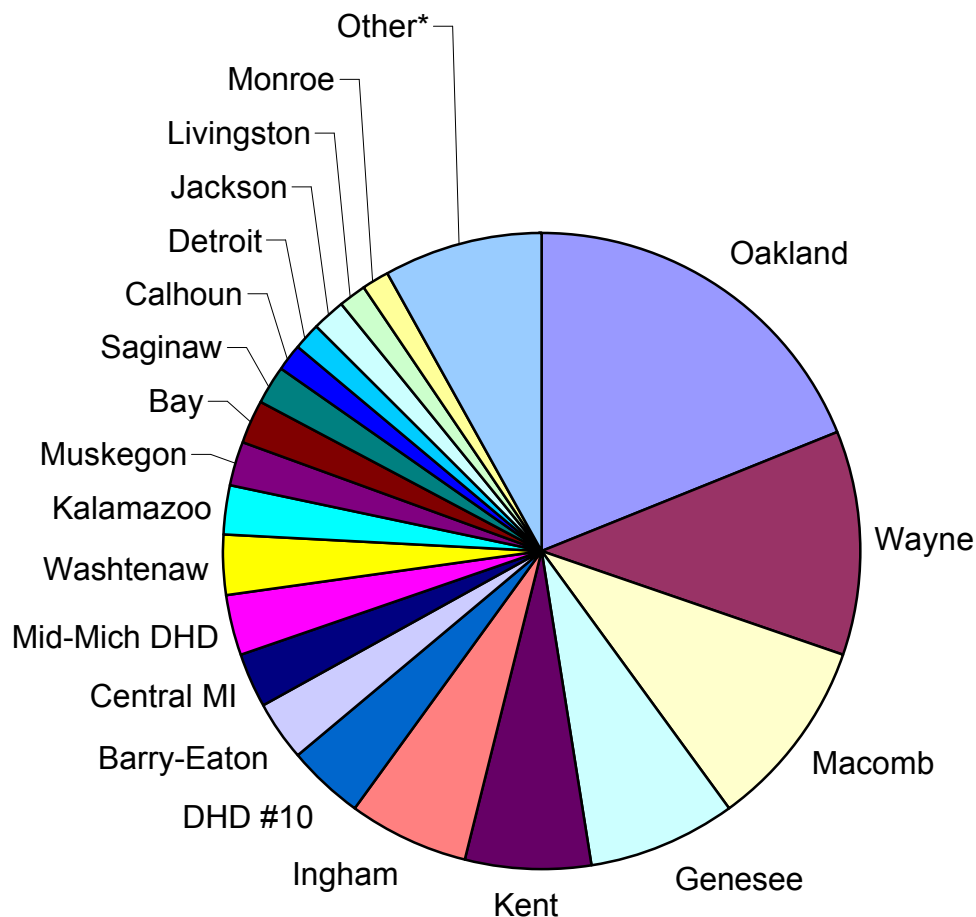
## Achieving Efficiency Through Technology

The Food & Dairy Division works constantly to ensure food safety by making all its functions efficient and more responsive to consumers and business. Technology has helped the Division achieve this goal; it is particularly necessary in such a large and complex state as Michigan.

The e-Inspector (electronic-inspector) system involves an inspector, using a laptop computer and a specialized software program, entering data instantly on a core data base. An inspection report can then be issued quickly. As violations are corrected, inspectors can quickly enter revised information. Consumers and business benefit from this more efficient system. In 2001 the Food & Dairy Division made major progress on developing the e-Inspection system for food establishments.

The division also conducted a thorough process review (Breakthru) of the dairy inspection system in preparation for the department-wide e-Inspection system. The e-Inspector system development was initiated in late 2001 in the food program. The dairy inspection Breakthru was held in June 2001. Many of the Breakthru recommendations have been put into place.

The License 2000 system will eventually be used for all the licenses issued by the Michigan Department of Agriculture, thus assuring an efficient and rapid licensing system. Food & Dairy worked at this extremely complex installation for its Food and Food Service programs in 2001. The License 2000 system for the Food and Food Service programs went online in February 2002.



## Total Foodborne Illnesses by Local Health Departments (202)

Oakland, Wayne, Macomb, Genesee, Kent and Ingham health departments reported approximately 60% of foodborne disease outbreaks. These are large population centers and likely reflect concomitant investigation and surveillance efforts. The Food & Dairy Division, local health departments, the Michigan Department of Community Health and, on occasion, federal agencies, collaboratively investigated these reports and complaints. District Health Department #10 listed in the graph above is a health department covering Kalkaska, Crawford, Missaukee, Wexford, Manistee, Mason, Lake, Oceana, Newaygo and Mecosta counties.





## Frequency of Routine Activities

## Enforcement Summary

<u>Routine activity</u>	<u>Dairy frequency</u>	<u>Food frequency</u>	<u>Total frequency</u>
Inspections	11,001	16,184	27,185
Complaint investigations	87	1593	1680
Product samples	5097	1336	6433
Milk sanitation and enforcement ratings	73	Not Applicable	73
USDA contract surveys	18	Not Applicable	18
Pasteurization evaluations	285	Not Applicable	285
Milk and butter quality evaluations	497	Not Applicable	497

### Frequency of Enhanced Enforcement Activity

<u>Enhanced activity</u>	<u>Dairy frequency</u>	<u>Food Frequency</u>	<u>Total frequency</u>
Insanitary notice/Notice of law violation	0	57	57
Seizures/Product disposal	342	861	1203
Regional supervisor intervention	82	247	329
Informal hearings	8	0	8



## Frequency of Enhanced Enforcement Activity

## Enforcement Summary

<u>Enforcement activity</u>	<u>Dairy frequency</u>	<u>Food frequency</u>	<u>Total frequency</u>
	Violation of Manufacturing Milk Act of 1913, as amended & Fluid Milk Act of 1965, as amended	Violation of Food Law of 2000	
Enforcement letters	564	23	587
Consent agreements/Fines	107	6	113
	Fines/cost = \$33,050	Fines/cost = \$2600	Fines/costs = \$35,650
License revocation/Permit suspension	340	0	340
Convictions	0	3	Fines/costs = \$1952
		Fines/cost = \$1952	

# Summary of Food Service Sanitation Program Evaluations in 2001

## Local Health Department

Week of Review		Minimum Program Requirement Indicators (30 total Important Factors <sup>1</sup> (Not Required))				
		Met	Not Met	N/A	Met	Not Met
Dickinson-Iron	10/09/00	14	14	2	2	2
Jackson	10/23/00	15	13	2	2	2
Allegan	11/06/00	15	13	2	2	2
Saginaw	11/27/00	21	7	2	3	1
Genesee	12/11/00	20	8	2	4	0
Ingham	02/26/01	26	2	2	3	1
Calhoun	03/12/01	17	11	2	2	2
Central Michigan	03/26/01	19	9	2	3	1
Macomb	04/16/01	29	0	1	3	1
Lenawee	05/07/01	29	0	1	2	2
Ionia	05/21/01	3	25	2	2	2
Livingston	06/04/01	15	14	1	3	1
Midland	06/18/01	13	16	1	3	1
Monroe	07/09/01	15	14	1	2	2
Oakland	07/23/01	15	14	1	3	1
Wayne	08/06/01	20	9	1	3	1

“Important factors” are considered important, but are *not* required. A local health department that meets more than half of the important factors (in addition to meeting all requirements) receives accreditation with commendation.

## Enforcement Summary

## Miscellaneous Registrations/Certificates

<u>Type of registration</u>	<u>Number issued</u>
Bottled water registration	678
Certificates of free sale	988
Quality assurance certificates (dairy)	105
Freedom of information act requests	275

## Enforcement Summary



## Number of Licenses Issued

## Enforcement Summary

<u>Dairy Program</u>		<u>Food</u> (manufacturing plants, retail stores, warehouses)		<u>Food Service (restaurants)</u>	
Dairy plants	63	Retail Food Establishment	14,163	Food Service Establishment	31,425
Frozen dessert	184	Extended Retail Food Establishment	692	Mobile Food Service Establishment	703
Bulk hauler	551	Wholesale Food Processor	494	Mobile Food Establishment Commissary	26
Milk distributor	716	Limited Wholesale Food Processor	666	Temporary Food Service Establishment	11,730
Milk fat	25	Food Warehouse	1007	Special Transitory Food Unit	464
Certified fieldmen	29	Mobile Food Establishment	36	Food Service Vending	4606
		Mobile Food Establishment Commissary	26		
		State/County Fair Temporary	1415		
		Special Transitory Food Unit	4		
TOTAL	1568	TOTAL	18,509	TOTAL	48,954

### License

To give authority to: accredit,  
authorize, commission, empower,  
enable, entitle, qualify.

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### Food Inspections

Type of inspection	Frequency
Bakery	1050
Beverage plant	58
Brining station	11
Candy manufacturer	148
Canning/preserving plant	48
Cereal plant	7
Cider mill	102
Egg grading/packing	7
Fish & Seafood operation	56
Flour mill	8
Food salvage operation	12
Food warehouse	762
French fry processor	1
Fruit/vegetable repacker	37
Gas station	3210
Grocery, retail	9408
Honey processor	40
Ice manufacturer-wholesale	20

Jam & jelly processor	36
Maple syrup	222
Miscellaneous meat processor	108
Mobile food establishment	112
Potato chip manufacturer	31
Poultry/rabbit slaughter	25
Produce market	125
Repacker	27
Retail fish market	73
Smoked fish processor	49
Specialty foods – other	354
Winery	37
TOTAL	16,184



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